

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

PHILADELPHIA INDEMNITY)	
INSURANCE COMPANY,)	
a Pennsylvania corporation,)	
Plaintiff,)	
)	
v.)	Case No. 2:18-CV-00403-JVB-JEM
)	
800K LLC, et al.,)	
Defendants.)	

PLAINTIFF PHILADELPHIA INDEMNITY INSURANCE COMPANY’S
MOTION TO DISTRIBUTE MONIES DEPOSITED
WITH THE REGISTRY OF THE COURT

Philadelphia Indemnity Insurance Company (“PIIC”), by and through its counsel, moves this Honorable Court to enter an Order to distribute the \$75,000.00 deposited with the registry of this Court to the six (6) remaining Interpleader Defendants having an interest in the proceeds of PIIC’s Bond to a disbursement from PIIC’s Bond. In support thereof, PIIC states as follows:

1. PIIC filed its Complaint in Interpleader on October 26, 2018 relating to a surety bond. PIIC, pursuant to 49 U.S.C. §13906(b), issued Surety Bond No. PB11499803994, Form BMC-84 (the “Bond”), in the penal sum of \$75,000.00, for VEG Transport, Inc., as principal.
2. On July 27, 2018, PIIC issued a cancellation notice of the Bond in accordance with 49 U.S.C. §13906(b)(4). The Bond was canceled effective August 26, 2018.
3. Pursuant to 49 U.S.C. §13906(b)(6), cancellation of the Bond was publically advertised for claims.

4. PIIC received notice of multiple claims against its Bond by various bond claimants of VEG Transport, Inc. and who were named as Interpleader Defendants.

5. The total amount of claims received exceeded the \$75,000.00 penal sum of the Bond and, accordingly, PIIC sought relief in statutory interpleader pursuant to 28 U.S.C. §1335 to pay the total penal sum of the Bond into the Court for disbursement as the Court deems proper.

6. PIIC then moved this Court for an Order allowing PIIC to deposit into the Court the sum of Seventy-Five Thousand Dollars (\$75,000.00) representing the entire penal sum of its Bond (*see* Dkt. No. 6).

7. Only six (6) Interpleader Defendants remain that have an interest in the Bond proceeds. All other Interpleader Defendants have waived any and all rights they have, now or in the future, to a disbursement from the Bond (*see* Dkt Nos. 125, 132).

8. The six (6) Interpleader Defendants that remain and the amounts of their claims are as follows:

1.	Black Red White, Inc.	\$ 8,400.00 ^a
2.	Libra Trucking LLC	\$ 2,700.00 ^b
3.	Set Trans LLC	\$ 4,000.00 ^c
4.	Triple M Logistics	\$ 5,900.00 ^d
5.	Echo Express, Inc.	\$ 2,500.00 ^e
6.	Echo Trucking, Inc.	<u>\$ 5,460.00^f</u>
Total		\$28,960.00

^a *See* Defendant Black Red White, Inc.'s Answer to Plaintiff's Amended Complaint in Interpleader, Dkt. No. 98.

^b *See* Defendant Libra Trucking LLC's Answer to Complaint in Interpleader, Dkt. No. 26.

^c *See* Interpleader Defendant, Set Trans LLC's Answer to Amended Complaint in Interpleader, Dkt. No. 75.

^d *See* Defendant Triple M Logistics, Inc.'s Answer to Amended Complaint in Interpleader, Dkt. No. 73.

^e *See* Answer, Dkt. No. 128.

^f *See* Answer, Dkt. No. 130.

9. PIIC moves this Court to disburse the funds based on the total amount of the remaining claims as set forth in Paragraph 8 and refund the remaining amount of \$46,040.00 not distributed to the above-mentioned six (6) Interpleader Defendants to PIIC.

10. Upon disbursement of the funds, PIIC further moves this Court to discharge PIIC of any and all duties it may have possessed under its Bond.

WHEREFORE, for the foregoing reasons, Philadelphia Indemnity Insurance Company prays that this Court (i) enter an Order directing the clerk of the court to disburse the funds deposited with this Court to the remaining six Interpleader Defendants; (ii) enter an Order directing the clerk of the court to disburse the remaining funds deposited with this Court in the amount of \$46,040.00 to Philadelphia Indemnity Insurance Company; (iii) enter an Order discharging Philadelphia Indemnity Insurance Company under Surety Bond No. PB11499803994; (iv) enter an Order terminating this case; and (v) for all other relief this Court deems appropriate.

Respectfully submitted,

Philadelphia Indemnity Insurance Company

By: /s/ Grace Winkler Cranley
One of its attorneys

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